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MEMORANDUM ENDORSED

Law Offices Of
Donna R. Newman
Attorney At Law
20 Vesey Street, Suite 400
New York, New York 10007
tel. 212-229-1516
fax 212-676-7497
donnaneumanlaw@aol.com
Member: N.Y. & N.J. Bar

September 27, 2021

Via ECF and Email

The Honorable Gregory H. Woods
United States District Court Judge
For the Southern District of New York
United States District Court
500 Pearl Street
New York, New York 10007

Re: *United States v. Benevenuto (Brandon Smith), et al.*
16cr656(GHW)

Dear Judge Wood:

I represent Brandon Smith in the above referenced matter. I write to request an adjournment of Mr. Smith's court appearance in connection with Probation's Violation of Supervised Release ("VOSR") which is scheduled as an in-person appearance before Your Honor for tomorrow at 2:00 P.M. In the alternative, I request the Court to conduct the appearance virtually, either by telephone or by video conferencing. The Government consents to an adjournment of this appearance or that the appearance to be held virtually.

Probation filed with the Court a petition of Violation of Supervised Release ("VOSR") alleging Mr. Smith possessed a weapon on August 20, 2021. Mr. Smith did not oppose the Government request for detention at his initial appearance on August 20, 2021. He is being held at the Essex County Correction facility in Newark New Jersey.

The Government informed me on Friday that a Complaint has been filed against Mr. Smith charging him with being a felon in possession of a firearm on August 20, 2021, in violation of 18 U.S.C. 922(g). In light of the new criminal charges, which conduct is identical to the VOSR conduct, Mr. Smith

will be unable to proceed to even a hearing on the VOSR. In short, the new criminal charges will need to be resolved before or at the same time as the VOSR. Accordingly, tomorrow's conference appears to be superfluous at this time.

If the Court wishes to proceed with tomorrow's conference, I urge the Court for Mr. Smith's sake to proceed virtually. Mr. Smith was placed in quarantine for 21 days and just came out of quarantine. He advised due to the stress of being in quarantine, he has lost a considerable amount of weight. If he is taken to Court tomorrow, upon his return to Essex County Correctional, he will be placed back in quarantine. I therefore, urge the Court, if the Court decides an appearance is necessary, to allow the proceedings to proceed virtually.

Respectfully,

/s/

Donna R. Newman

Cc: AUSA Jane Chong

USPO Jennifer M. Arango

Application granted. The proceeding with respect to Mr. Smith's alleged violation of supervised release is adjourned to November 1, 2021 at 9:00 a.m. The Court anticipates that the Government will inform the judge assigned to the new criminal case and this Court of any overlap between that case and this matter.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 901.

SO ORDERED.

Dated: September 27, 2021
New York, New York



GREGORY H. WOODS
United States District Judge